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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,105	12/22/2005	Helmut Jerg	2003P00938WOUS	8104

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3743

MAIL DATE	DELIVERY MODE
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06/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,105	Applicant(s) JERG ET AL.	
	Examiner Stephen M. Gravini	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Specification

The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood: during a pre appeal conference, an issues was raised that desorption is not illustrated or patentably defined for one skilled in the art It was examiner's understanding, which formed the basis for rejecting the claims, that the principle of adsorption is patentably interchangeable with desorption. As examined, adsorption is understood to be means or method of removing moisture by chemical structure change. Adsorption is generally applicable to a desiccant silica gel, where the gel removes moisture by changing its molecular compound structure. Adsorption is different from absorption, because absorption is generally a structure that holds moisture without changing its molecular structure. Examples of absorption include a sponge or paper towel.

In this application, examiner will again attempt to construe the claims as one skilled in the art and explain how the claimed invention is disclosed in the prior art. With respect to applicants' response regarding desorption and adsorption, those effects are coextensive. As an example, the coextensive feature is disclosed in Edamura (US 7,191,821) wherein the desiccant adsorbs moisture while the stream of gas desorbs moisture. That feature can be analogized to heat transfer between a hot object and a cold object. While heat is transferred from a hotter (desorbed) object the colder object becomes warmer (adsorbed).

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. An issue was raised during a pre-appeal conference that no drawings accompany the claimed invention. Since there are no drawings, one of the conferees

Art Unit: 3743

stated that the application is defective and should be rejected under 35 USC 112. Since there are no drawings, the claims are not enabling because it contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. An issue was raised during a pre-appeal conference that no drawings accompany the claimed invention. Since there are no drawings, one of the conferees stated that the application is defective and should be rejected under 35 USC 112. Since there are no drawings, the claims fail to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 9-12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Weichselgartner (US 4,741,882). The claims are reasonably and broadly construed, in light of the accompanying specification, to be disclosed by Weichselgartner, as comprising:

subjecting items retained in the device to a drying step after the items have undergone a treatment step as a result of which moisture remains on the items, the step of drying including drawing at least one of air from a treatment chamber and ambient air through a sorption column and thereafter guiding the air that has passed through the sorption column into a treatment chamber, the sorption column containing reversibly dehydratable material that operates to withdraw moisture from air during the passage of the air through the sorption column at column 3 lines 22-55; and

effecting desorption of the reversibly dehydratable material in the sorption column via drawing at least one of air from the treatment chamber and ambient air through a sorption column by means of an air accelerator means, subjecting air passing through the sorption column to heating, and guiding the air that has been heated as it passed through the sorption column into the treatment chamber, whereupon the air guided into the treatment chamber heats at least one of a treatment liquid to be applied to the items retained in the device and the items themselves column 5 lines 3-65. Weichselgartner also discloses the claimed steps of effecting desorption of the reversibly dehydratable material includes heating air during its passage through the sorption column by heat of condensation and a selected one of additional heating via a heater and no additional heating via a heater at column 5 line 3, wherein the passage of air is undertaken during a program step using treatment liquid to be heated at column 5 lines 55-57, wherein effecting desorption of the reversibly dehydratable material includes heating air during its passage through

Art Unit: 3743

the sorption column and thereafter passing the air through a heat storage device for cooling in order to intermediately store the heat used for desorption in the heat storage device, further including thereafter passing air for heating purposes through the heat storage device and into the treatment chamber at column 5 line 20, guiding the air that has been heated as it passed through the sorption column into the treatment chamber includes cooling the air that has been heated at a location intermediate the sorption column and the treatment chamber at column 4 lines 49-56, wherein cooling the air that has been heated at a location intermediate the sorption column and the treatment chamber includes contacting the air that has been heated with a liquid having a temperature less than the air such that at least some evaporation of the liquid occurs, whereupon a cooling of the air takes place as a result of evaporation cooling at column 4 line 63 through column 5 line 2, and a step of drawing air from at least one of a source of air consisting of air from the treatment chamber and a source of air consisting of ambient air through the sorption column by means of an air accelerator means after the step of effecting desorption of the reversibly dehydratable material in the sorption column, this step including drawing such air through the sorption column from the respective source of air substantially without imparting heat to the air from after the air exits the respective source of air up to its entry into the sorption column, the air drawn through the sorption column being heated within the sorption column via heat of condensation as liquid is condensed from the air and absorbed by sorption material in the sorption column, and guiding the air that has been heated as it passed through the sorption column into the treatment chamber, whereupon the air guided into the

Art Unit: 3743

treatment chamber heats at least one of a treatment liquid to be applied to the items retained in the device and the items themselves at column 2 lines 14-63.

Claim Rejections - 35 USC § 103

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weichselgartner in view of Tuck et al. (US 3,034,221). Weichselgartner discloses the claimed invention, as rejected above, except for the claimed features including effecting desorption of the reversibly dehydratable material includes heating the air via a heater in a pipe to the sorption column, wherein at least one of the treatment liquid and the items are heated by the heated air and effecting desorption of the reversibly dehydratable material includes at least partly delivering the desorbed moisture from the sorption column into at least one of the treatment chamber or the heat storage device, and wherein effecting desorption of the reversibly dehydratable material includes heating the air via the heat of condensation in the sorption column. Tuck, another method for operating a device, discloses effecting desorption of the reversibly dehydratable material includes heating the air via a heater in a pipe to the sorption column at column 2 lines 17-27, wherein at least one of the treatment liquid and the items are heated by the heated air and effecting desorption of the reversibly dehydratable material includes at least partly delivering the desorbed moisture from the sorption column into at least one of the treatment chamber or the heat storage device, and wherein effecting desorption of the reversibly dehydratable material includes heating the air via the heat of condensation in the sorption column at column 2 line 54 through column 3 line 59 respectively. It would have been obvious to one skilled in the

Art Unit: 3743

art to combine the teachings of Weichselgartner with the features disclosed in Tuck for the purpose of efficiently using heated air to provide an effective use of energy in using waste heat to minimize the cost of reverse dehydration in sorption columns.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weichselgartner in view of Chamberlain (US 2,633,928). Weichselgartner discloses the claimed invention, as rejected above, except for the claimed crockery features..

Chamberlain, another method for operating a device, discloses that feature at figure 20.

It would have been obvious to one skilled in the art to combine the teachings of

Weichselgartner with the crockery features disclosed in Chamberlain for the purpose of efficiently using heated air to provide an effective use of energy in using waste heat to minimize the cost of reverse dehydration in sorption columns.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Art Unit: 3743

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 9-18 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11-21 of copending Application No. 10/581,238. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been an obvious matter of design choice to include the copending feature claimed sublimation step, since the current application would perform the copending application, regardless of the sublimation step.

Claims 19 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10 and 13-23 of copending Application No. 10/564,230. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been an obvious matter of design choice to include the copending feature claimed washing container step, since the current application would perform the copending application, regardless of the washing container step.

These are provisional obviousness-type double patenting rejections because the conflicting claims have not in fact been patented.

Response to Arguments

Applicant's arguments filed April 13, 2009 have been fully considered but they are moot based on the new grounds of rejection.

Conclusion

Other prior art references cited in this action disclose one or more features of the claimed invention, but are not used to reject the claims in this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/
Primary Examiner, Art Unit 3743